

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference  NO 7570/WO	<b>FOR FURTHER ACTION</b> <div style="float: right; font-size: small;">see Form PCT/ISA/220 as well as, where applicable, item 5 below.</div>	
International application No.  PCT/EP2004/006736	International filing date (day/month/year)  22/06/2004	(Earliest) Priority Date (day/month/year)  23/06/2003
Applicant  NESTEC S.A.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 7 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☒ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☒ none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International Application No  
PCT/EP2004/006736

<b>A. CLASSIFICATION OF SUBJECT MATTER</b> IPC 7 A23L1/29 A23L1/305 A23L1/30 A61K35/20		
According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b> Minimum documentation searched (classification system followed by classification symbols) IPC 7 A23L A23C A61K  Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  Electronic data base consulted during the international search (name of data base and, where practical, search terms used) EPO-Internal, PAJ, WPI Data, FSTA, EMBASE, BIOSIS, MEDLINE		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	KOLETZKO B ET AL: "GROWTH, DEVELOPMENT AND DIFFERENTIATION: A FUNCTIONAL FOOD SCIENCE APPROACH" 1998, BRITISH JOURNAL OF NUTRITION, CAMBRIDGE, GB, PAGE(S) S05-S45 , XP009027350 abstract page S16, paragraph 5.5 page S18, paragraph 6.1 page S21, paragraph 6.6 page S24, paragraph 7.8 ----- --/--	1-4, 6-14
<input checked="" type="checkbox"/> Further documents are listed in the continuation of box C. <input checked="" type="checkbox"/> Patent family members are listed in annex.		
<b>* Special categories of cited documents :</b>  *A* document defining the general state of the art which is not considered to be of particular relevance *E* earlier document but published on or after the international filing date *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) *O* document referring to an oral disclosure, use, exhibition or other means *P* document published prior to the international filing date but later than the priority date claimed  *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. *8* document member of the same patent family		
Date of the actual completion of the international search  7 October 2004		Date of mailing of the international search report  19. 01. 2005
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016		Authorized officer  Heirbaut, M

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International Application No

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	<p>DATABASE WPI  Section Ch, Week 199311  Derwent Publications Ltd., London, GB;  Class B04, AN 1993-087927  XP002263792  -&amp; JP 05 030942 A (ZH RYOSHOKU KENKYUKAI)  9 February 1993 (1993-02-09)  cited in the application  abstract; claim 5</p> <p>-----</p>	1-4,7-14
Y	<p>DATABASE WPI  Section Ch, Week 199347  Derwent Publications Ltd., London, GB;  Class B04, AN 1993-360071  XP002263793  -&amp; JP 05 276894 A (SNOW BRAND MILK PROD CO  LTD) 26 October 1993 (1993-10-26)  abstract</p> <p>-----</p>	1-4,6-14
Y	<p>WO 99/56758 A (NORTHFIELD LAB PTY LTD  ;WHYTE PETER BENNETT DUFF (AU))  11 November 1999 (1999-11-11)  page 7, lines 7-32; claims 17,21  page 12, line 20 - page 13, line 12</p> <p>-----</p>	1-4,6-14
Y	<p>WO 00/35443 A (AMERICAN HOME PROD)  22 June 2000 (2000-06-22)  page 4, lines 10-25; claims 3,9,10,16,17</p> <p>-----</p>	1-4,6-14
Y	<p>LO C W AND KLEINMAN R E: "Infant formula,  past and future: opportunities for  improvement"  AMERICAN JOURNAL OF CLINICAL NUTRITION,  BETHESDA,MD, US,  vol. 63, no. 4, April 1996 (1996-04),  pages 646S-650S, XP002102415  ISSN: 0002-9165  page 647S, column 1, last paragraph  page 648S, column 1, paragraph 3</p> <p>-----</p>	1-4,6-14
Y	<p>MAJAMAA H ET AL: "PROBIOTICS: A NOVEL  APPROACH IN THE MANAGEMENT OF FOOD  ALLERGY"  JOURNAL OF ALLERGY AND CLINICAL  IMMUNOLOGY, MOSBY - YEARLY BOOK, INC, US,  vol. 99, no. 2, 1997, pages 179-185,  XP009022566  ISSN: 0091-6749  the whole document</p> <p>-----</p> <p style="text-align: center;">-/--</p>	1-4,6-14

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International Application No

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 97/00078 A (SYVAEOJA EEVA LIISA ;ISOLAURI ERIKA (FI); KORHONEN HANNU (FI); SAL) 3 January 1997 (1997-01-03) cited in the application page 4, lines 30-36; claims 1-12; examples 1-3 -----	1-4,6-14
A	EP 0 295 009 A (BAYLOR COLLEGE MEDICINE) 14 December 1988 (1988-12-14) page 4, lines 12-20; claims 1-25 page 6, lines 12-23 -----	1-4,6-14
A	EP 1 281 325 A (NESTLE SA) 5 February 2003 (2003-02-05) claims 1,3-5; table 1 -----	1-4,6-14
A	EP 0 527 283 A (NESTLE SA) 17 February 1993 (1993-02-17) page 5, lines 40-49; claims 3,4,8,9 -----	1-4,6-14
A	EP 1 064 857 A (SNOW BRAND MILK PROD CO LTD) 3 January 2001 (2001-01-03) paragraphs '0003! - '0007!, '0025!; claims 5,6; examples 1,2 -----	1-4,6-14
A	WO 01/58283 A (FRIESLAND BRANDS BV ;LEEUVEN PAULUS ALUISIUS MARIE (NL); GLAS CORN) 16 August 2001 (2001-08-16) page 2, lines 20-28; claims 2,3,10,12-15 page 3, lines 1-12 page 3, line 30 - page 4, line 10; examples 2-8 -----	1-4,6-14
A	US 6 132 710 A (MORRIS JR J GLENN ET AL) 17 October 2000 (2000-10-17) cited in the application claims 1-5,8-10 -----	1-4,6-14

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# INTERNATIONAL SEARCH REPORT

International application No.  
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## Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claims 12-13 are directed to a method of treatment of the human/animal body (Article 52(4) EPC), the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:  
  
1-4, 7-14 (partially), 6

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/006736

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
JP 5030942	A	09-02-1993	NONE	
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